

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**IN RE: NATIONAL  
PRESCRIPTION OPIATE  
LITIGATION**

**MDL No. 2804**

**Master Docket No.  
1:17-MD-02804-DAP**

**This document relates to:**

**Hon. Judge Dan A. Polster**

*Rees v. McKesson Corporation, et al.*  
MDL Case #1:18-OP-45252

*Wood v. Purdue Pharma L.P., et al*  
MDL Case #1:18-OP-45264

*Salmons v. Purdue Pharma L.P., et al*  
MDL Case #1:18-OP-45268

*Ambrosio v. Purdue Pharma L.P., et al*  
MDL Case #1:18-OP-45375

*Flanagan v. Purdue Pharma L.P., et al*  
MDL Case #1:18-OP-45405

*Whitley, et al. v. Purdue Pharma L.P., et al*  
MDL Case #1:18-OP-45598

*Roach v. McKesson Corporation, et al.*  
MDL Case #1:18-OP-45662

*Hunt v. Purdue Pharma L.P., et al*  
MDL Case No. #1:18-OP-45681

*Moore v. Purdue Pharma L.P., et al*  
MDL Case No. #1:18-OP-46305

*Doyle v. Actavis LLC, et al.*  
MDL Case No. #1:18-OP-46327

*Hanlon v. Purdue Pharma LP, et al*  
MDL Case No. #1:19-OP-45052

**MOTION FOR RECONSIDERATION OF THE COURT’S ORDER (DOC. 1662)  
HOLDING A RULE 12(B)(6) DETERMINATION ON PLAINTIFFS’  
CLASS ALLEGATIONS**

Plaintiffs, though undersigned counsel, respectfully move the Court for reconsideration of the Court’s Order (Doc. 1662) holding a Rule 12(B)(6) Determination on Plaintiffs’ Class Allegations.

On June 6, 2019, the Court issued an Order *sua sponte* inviting Defendants to move to strike Plaintiffs’ class-action allegations on behalf of NAS Babies.<sup>1</sup> (*See* ECF# 1662, Case No. 1:17-md-02804-DAP (the “June 6 Order”).) The parties are specifically directed to “address the propriety of class certification.” (*Id.*)

For the reasons set forth in the attached memorandum, Plaintiffs move the Court to:

- (1) reconsider the June 6 Order as violative of class-action procedure and Plaintiffs’ due-process rights; and
- (2) grant Plaintiffs seeking class-wide relief for NAS Babies leave to move to certify the putative classes identified in their pleadings, together with an abbreviated period for discovery and any appropriate amendment of their pleadings—all in accordance with Fed. R. Civ. P. 23 and due process.

Wherefore, Plaintiffs pray that their motion for reconsideration is granted.

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<sup>1</sup> The June 6 Order applies to the eleven separate actions, then-consolidated in this MDL, asserting class-action allegations on behalf of NAS Babies. After the Court issued the June 6, Order, other plaintiffs have filed an additional 30 class actions on behalf of NAS Babies. There are now 41 class actions filed on behalf of NAS Babies covering 34 states.

Respectfully submitted,

/s/ Scott R. Bickford

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**CERTIFICATE OF SERVICE**

A copy of the foregoing was filed via the Court's electronic filing system on July 1, 2019. Notice of this filing will be sent by e-mail through the Court's electronic case-filing system to all counsel of record.

/s/Scott R. Bickford  
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